

**From:** Eric George  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

Under the Tunney Act, I would like to comment on the inadequacy of the proposed Microsoft settlement.

My largest concern is that of software compatibility between Windows-based systems and future Windows-compatible operating systems. The requirement to publish Windows APIs is flawed. As we have seen again and again, Microsoft is capable and willing to say one thing and do another, leaving the door open for "published" APIs to be irrelevant or constantly out of date.

The only way to be sure of compatibility is to require Microsoft (or another entity) to create a compatibility test suite based on the published APIs. The ability to use the "Made for Windows" logo (or other branding) would then be dependent on conformance to the test suite, and not merely the published APIs. This test conformance would apply to Microsoft as well as competitors and would give competitive operating system vendors a true, testable baseline on which to base their products.

In addition, the test suite should be accessible by any software vendor for a minimal cost, and Microsoft should not be allowed to release a test suite and new software so quickly together as to keep competitors from utilizing the test suite. Perhaps a moratorium on software releases for a reasonable time after a new version of the test suite is released.

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